



THE ASSAM GAZETTE

অসাধাৰণ

EXTRAORDINARY

প্ৰাপ্ত কৰ্তৃত্বৰ দ্বাৰা প্ৰকাশিত

PUBLISHED BY THE AUTHORITY

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No. 268 Dispur, Thursday, 11th July, 2024, 20th Ashadha, 1946 (S. E.)

GOVERNMENT OF ASSAM

ORDERS BY THE GOVERNOR

WELFARE OF MINORITIES & DEVELOPMENT DEPARTMENT

NOTIFICATION

The 10th July, 2024

No. 248585/733.- In exercise of the powers conferred under section 109 of the Waqf Act, 1995 (Act No. 43 of 1995), the Governor of Assam is hereby pleased to make the following rules, further to amend the Assam Waqf Rules, 1998, hereinafter referred as the principal Rules, namely:-

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| Short title and commencement | 1. (1) These rules may be called the Assam Waqf (Amendment) Rules, 2024. |
| | (2) They shall come into force on the date of their publication in the Official Gazette. |
| Insertion of rule 2A | 2. In the principal Rules, after rule 3, the following new rule 3A shall be inserted, namely:- |
| “Qualification of a Mutawalli | 3A. The qualifications of a Mutawalli as per clause (i) of section 3 shall be the following, namely:-
The Mutawalli shall, |
| | (a) be an ordinary resident of Assam. |
| | (b) be a devout Muslim and shall have the zeal to work for public good; |
| | (c) have the minimum educational qualification of reading and writing in order to have fair knowledge of Waqf laws; |
| | (d) have the working knowledge of Sharia; |
| | (e) have the commitment to safeguard the Waqf property. |
| | (f) not a minor; |
| | (g) not be a convicted person under any law in force; |
| | (h) not be of unsound mind; |
| | (i) be physically fit. |

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| Amendment of rule 39 | 3. In the principal Rules, for rule 39, the following shall be substituted namely:- |
| “Terms and conditions of Service of Chief Executive Officer | <p>39. The terms and conditions of services of the Chief Executive Officer as per sub-section (2) of section 23 shall be the following, namely:-</p> <p>(1) The term of service of the Chief Executive Officer shall be determined by the State Government while giving appointment to the Chief Executive Officer by notification following due procedure of the service rule to which he belongs.</p> <p>(2) The Chief Executive Officer of the Board shall be entitled to all types of financial benefits like Pay, Dearness Allowance, Daily Allowance, Travelling Allowance, House Rent Allowance, Leave Travel Concession as was available to him in his cadre post of his service.</p> <p>(3) The other terms and other conditions of service of the Chief Executive Officer shall be as per the provisions of Assam Civil Services (Conduct) Rules, 1965 or other service rule to which the officer belongs and shall also be governed by Assam Services (Discipline and Appeal) Rules, 1964.”</p> |
| Omission of rule 40, 41 and 42 | 4. In the principal Rules, rules 40, 41 and 42 shall be omitted. |
| Amendment of rule 44 | <p>5. In the principal Rules, in rule 44,</p> <p>(i) in first line, before the word “when” the number and bracket (1) shall be inserted.</p> <p>(ii) after the end of the para, the following new sub-rule shall be inserted, namely :-</p> <p>“(2) The Mutawali or any other authority or organization or any other person having custody of document related to Wakf properties shall produce the same within 7 (seven) days on being called upon in writing before the Chief Executive Officer (CEO), Assam Board of Wakf.”</p> |
| Insertion of rule 59A | <p>6. In the principal Rules, after rule 59, the following new rule 59A shall be inserted, namely:-</p> <p>59A. The terms and conditions of appointment including the salaries and allowances payable to the Chairman and other members of the Tribunal other than persons appointed as ex-officio members shall be by Notification published in the Official Gazette.”</p> |

ADIL KHAN,
Secretary to the Government of Assam,
Welfare of Minorities & Development Department.